

Remarks

The specification has been amended in selected selections to better conform to standard U.S. patent practice. None of the amendments to the specification add prohibited new matter or raise any issues requiring a new search or consideration.

None of the claims have been further amended.

A corrected inventor declaration is being concurrently filed with this response. The declaration corrects the name of inventor Hidetoshi Oido.

1. Rejection under 35 U.S.C. § 103(a)

The Examiner has maintained her rejection of claims 1-9 as allegedly obvious over U.S. Patent No. 6,958,127 (“the ‘127 patent”). According to the Examiner, it would have been obvious to a person of ordinary skill in the art to perform surface treatments on the paint in order to render it recyclable and to mold the mix into articles that would be durable and stable. Claim 7 of the ‘127 patent is specifically cited as teaching the use of polystyrene resin and styrene-modified acrylic resin.

Applicants submit that Applicants’ claimed invention recites a recycled coated formed product comprising a pigment incorporated therein, wherein the coated formed product comprises a styrene-based thermoplastic resin and is at least partially coated with a coating compound and wherein the pigment has been subjected to surface treatment with a thermosetting acrylic resin having a compatability with both (i) the styrene-based thermoplastic resin constituting the formed product and (ii) the thermoplastic resin that constitutes the coating compound. These unique features of Applicants’ invention address the following problem persistent in the prior art:

“Referring to the strength of the resin regenerated, since the pigment such as aluminum flake is incompatible with the resin constituting the formed product or the resin constituting the coating compound, the pigment and the resin of the formed product are separated from each other, causing the

deterioration of physical properties". (emphasis added, page 2 of Applicants' specification, lines 9-14)

Applicants point out that claim 7 of the '127 patent simply recites a high impact polystyrene thermoplastic resin (HIPS) constituting a molding (*i.e.*, a formed product) and a thermoplastic resin (*i.e.*, a polystyrene resin or a styrene-modified acrylic resin) constituting a coating compound. However, claim 7 (as representative of all of the '127 patent) does not teach or suggest a pigment having been subjected to surface treatment with a thermosetting resin having a compatability with both of the thermoplastic resin constituting a molding (*i.e.*, a formed product) and the thermoplastic resin constituting a coating compound.

In addition, the pigment recited in the Applicants' invention is coated with a thermosetting resin on its surface, and therefore the pigment substantially functions as a thermosetting resin. In contrast, the '127 patent actually teaches away from the recycling of a coated formed product that uses a thermosetting resin as indicated below:

"when thermoplastic resins and thermosetting resins are used, both types of resins do not undergo thermal adhesion by heat at the time of the molding. The resultant recycle considerably lowers in physical properties. However, where both resins are thermoplastic in nature and undergo thermal adhesion, physical properties do not significantly lower". (emphasis added, col. 37, line 66 through col. 38, line 6 of the '127 patent)

Moreover, the thermosetting resins described by the '127 patent for use as coating compounds for coated formed products, are generally not suitable for recycling.

For at least these reasons, Applicants' claimed invention is clearly not obvious over the '127 patent and Applicants therefore respectfully request that this rejection be withdrawn.

2. Double Patenting

A. “the 127 patent”

Claims 1 to 9 are rejected as allegedly patentably indistinct over claim 7 of the ‘127 patent.

Applicants submit that Applicants’ claimed invention is patentably distinct from claim 7 of the ‘127 patent for at least the reasons presented in section 1 above. Accordingly, Applicants respectfully request that this rejection be withdrawn.

B. “Application No. 11/066,306”

Claims 1 to 9 are provisionally rejected as allegedly patentably indistinct over the claims of copending application 11/066,306.”

Applicants point out that Application No. 11/066,306 is a divisional application of the ‘127 patent. Accordingly, the specifications of Application No. 11/066,306 and the ‘127 patent are identical and therefore the same arguments for patentable distinctness of Applicants’ claimed invention over the claims of 11/066,306 apply. More specifically, the claims of 11/066,306 do not teach or suggest either of (i) a pigment that has been subjected to surface treatment with the above-described thermosetting resin or (ii) the recycling of a coated formed product that uses a thermosetting resin. For at least these reasons, Applicants’ claimed invention is patentably distinct from the claims in Application No. 11/066,306. Accordingly, Applicants respectfully request that this rejection be withdrawn.


3. Conclusion

Upon consideration of the foregoing, it will be recognized that Applicants have fully and appropriately responded to all of the Examiner’s rejections. Accordingly, the claims are believed to be in proper form in all respects and a favorable action on the merits is respectfully requested. The Examiner is invited to contact the undersigned with any questions or concerns that may prevent this requested allowance.

Except for issues payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **November 21, 2007**
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